



Global Initiative to
**End All Corporal Punishment
of Children**

**BRIEFING ON THE HOLY SEE FOR THE
COMMITTEE ON THE RIGHTS OF THE CHILD,
PRESESSIONAL WORKING GROUP – June 2013**

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This briefing considers the issue of corporal punishment as it relates to the Holy See. In light of the Committee's previous examination of the Holy See, its General Comment No. 8 on "The right of the child to protection from corporal punishment and other cruel or degrading forms of punishment", the importance of eradicating this form of violence given by the UN Secretary General's Study on Violence against Children, and the importance of legal recognition of children's rights enshrined in the Holy See's Compendium of the Social Doctrine of the Child, we hope the Committee will:

- **in its List of Issues for the Holy See, raise the issue of corporal punishment of children, in particular asking what measures have been taken towards adopting a clear position against all corporal punishment and promoting its prohibition and elimination in the family, schools and other settings?**
- **in its concluding observations on the Holy See's second report, recommend that the Vatican issue an explicit statement against all corporal punishment in childrearing, in the family, schools and all other settings, direct Catholic leaders to ensure this is reflected in their teachings and all other activities, and incorporating it in all theological education and training.**

1 Corporal punishment in the 1995 examination of the Holy See by the Committee on the Rights of the Child

- 1.1 The initial report of the Holy See to the Committee on the Rights of the Child was examined by the Committee in 1995. That report asserted the Holy See's respect for the dignity of the child and the significance placed on the family for the wellbeing of the

child, including through the “Charter on the Rights of the Family” – but it made no reference to corporal punishment of children.¹

- 1.2 In examining the Holy See, the Committee specifically asked for its views on corporal punishment and whether the Church was using the principle of the inalienable rights of the parents to justify the use of corporal punishment in the family. The delegation replied that corporal punishment “was a matter of considerable controversy” and that its acceptability depended on the context: “if it was delivered with love, moderation and discretion, for disciplinary purposes, it was acceptable; if it was administered with hatred, it was not”. The delegation also asserted that “disciplinary measures must also correspond to the maturity of the child”. The speaker – Father Roch – went on to state that his comments “did not constitute the set doctrine of the Holy See” and that “in his view, corporal punishment should not be banned until such time as psychoanalysts, sociologists, jurists, doctors and educators agreed”. The Chairperson of the Committee reminded the delegation of the Holy See that membership of the Committee was drawn from many disciplines and there was consensus on the fundamental principles embodied in the Convention.²
- 1.3 The concluding observations issued on the initial report did not make a specific recommendation on corporal punishment, but they did state: “In view of the moral influence wielded by the Holy See and the national Catholic Churches, the Committee recommends that efforts for the promotion and protection of the rights provided for in the Convention be pursued and strengthened.”³

2 The Holy See’s second report to the Committee

- 2.1 As in the initial report, the second report asserts the importance to the Holy See of respect for the dignity of the child and of contextualising the rights of the child within the family setting. But despite the Committee’s previous concern with corporal punishment of children, the report again makes no reference to the issue. It states that “obviously” children should be protected from abuse and other mistreatment within the family but that “beyond such cases ... civil authorities must not intervene in the family and interfere with the duties and rights of parents, who are presumed to act for the well-being of their child”.⁴
- 2.2 The report refers to the publication in 2004 by the Pontifical Council for Justice and Peace of the Compendium of the Social Doctrine of the Child which specifically addresses children’s rights.⁵ The Compendium is available in full on the Vatican website (www.vatican.va). We note that under the heading “The dignity and rights of children”, the Compendium states very positively (original emphasis) “*The rights of children must be legally protected within juridical systems*” and “It is essential to engage in a battle, at the national and international levels, against the violations of the dignity of boys and girls

¹ 28 March 1994, CRC/C/3/Add.27, Initial report to the Committee on the Rights of the Child, paras. 4, 5, 6, 8, 10 and 27

² 24 November 1995, CRC/C/SR.255, Summary record of the 255th meeting, para. 43; 17 November 1995, CRC/C/SR.256, Summary record of the 256th meeting, paras. 16, 23 and 24

³ 27 November 1995, CRC/C/15/Add.46, Concluding observations on initial report, para. 12

⁴ [n.d.], CRC/C/VAT/2, Second report to the Committee on the Rights of the Child, para. 20

⁵ *ibid*, para. 44

caused by ... every kind of violence directed against these most defenceless of human creatures”.⁶

3 The Holy See’s obligations under the Convention on the Rights of the Child in respect of corporal punishment

3.1 The influence of the Holy See extends worldwide. As noted above (para. 1.3), the Committee previously recommended the strengthening of its efforts to promote and protect the rights of the child. While there has been no definitive statement against corporal punishment from the Vatican, there are examples of Catholic leaders engaged in promoting the prohibition and elimination of corporal punishment at national and regional level. For example:

- In the UK, the Catholic Education Council called on Catholic schools to phase out corporal punishment in 1983, years before corporal punishment was prohibited by law.
- In 2006 the South African Catholic Bishops Conference presented a submission to the Parliamentary Portfolio Committee on Social Development regarding the Children’s Amendment Bill supporting the proposed prohibition of corporal punishment and suggesting measures to ensure its effective implementation e.g. through the promotion of positive parenting.⁷
- Also in 2006, the Roman Catholic Archdiocesan Education Board in Jamaica issued a statement against corporal punishment and urging “parent, educators, school administrators and school board members to seek non-violent alternative methods of managing student behaviour through research and reflection”.
- In 2010, the Catholic Teachers’ Team Movement (CTTM) – a forum of Catholic teachers from over 40 countries – ran a workshop for Catholic teachers Bangladesh, India, Pakistan and the Philippines on how to promote peace and non-violence in the classroom.

3.2 The many investigations into child abuse associated with the Catholic Church have focussed primarily on sexual abuse, though other forms of abuse, including beatings and humiliation, have been highlighted in many cases.

3.3 The Holy See reaches into states whose national laws prohibit all corporal punishment as well as those in which it is still a legalised form of violence against children. It is surely an obligation of the Holy See, having ratified the Convention on the Rights of the Child, to seek to promote the prohibition and elimination of all corporal punishment of children – including in the family – in every state in which it works.

Briefing prepared by the Global Initiative to End All Corporal Punishment of Children
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⁶ Compendium of the Social Doctrine of the Church, paras. 244 and 245

⁷ The submission is available on the website of the Churches’ Network for Non-violence, <http://www.churchesfornon-violence.org/Submission%20by%20Catholic%20Bishops%20Conf.pdf>, accessed 4 March 2013